UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,
 	
                            Plaintiff
            -against-
 	
COURT SECURITY OFFICER (CSO) NEWELL, CSO MUSCHITIELLO, CSO JOHN DOE #1, CSO JOHN DOE #2, 2ND CIRCUIT COURT OF APPEALS CLERK MARGARET LAIN, ASSISTANT US MARSHAL (USM) JAMES HOWARD , USM BRIAN MURPHY, USM BETTY ANN PASCARELLA,WITNESS SECURITY S. JONES, CONGRESSIONAL AFFAIRS CHIEF D. DISRUD, US ATTORNEY PREET BHARARA, USM JOSEPH R. GUCCIONE,
 	
                        Defendants
	Civil Action No. 11 cv 08365 (AJN-MHD)
	
	MOTION TO RECONSIDER AND PLAINTIFF RESPONSE TO AUSA COVERUP AND VIOLATION OF NY STATE LAW ON INTENT TO DECEIVE THE COURT, ATTACHMENTS OF SWORN NOTARIZED SIGNATURE OF PLAINTIFF

~~Was: Thursday, March 28, 2013 11:20 AM~~
~~Is: Tuesday, April 09, 2013 11:00 PM~~
~~Was: Thursday, March 28, 2013 11:20 AM~~
~~Is: Tuesday, April 09, 2013 11:00 PM~~
Is: Friday, April 12, 2013 4:04 PM

To USDJ Nathan:

Here is Part 1 of 2 to Document 92, as requested by Pacer staff 4/12/2013.

Humbly and sincerely,

By: ___/s/ Peter Lindner_____   Dated: New York, NY the 12th Day of April , 2013
        Peter Lindner
        Plaintiff, *Pro Se*
1 Irving Place, Apt. G-23-C
New York, New York 10003
Home/ Fax: 212-979-9647
Cell: 917-207-4962
Email: nyc10003@nyc.rr.com

Third Declaration of Gerald M. Auerbach

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER LINDNER,
    PLAINTIFF,
v.
 	
NEWELL, ET AL.,
    DEFENDANTS.
	)
	)
	)
	)
	) CIVIL NO. 11-CV-8365
	)
	)
	)

THIRD DECLARATION OF GERALD M. AUERBACH

I, Gerald M. Auerbach, declare the following to be true and correct:

1. I am the General Counsel for the United States Marshals Service, Department of Justice, Arlington, Virginia and am responsible for overseeing the administrative tort claims received by this office. I submit this declaration in further support of a pending motion to dismiss the above-referenced lawsuit.

2. This office is the custodian of agency records relating to the filing, evaluation, and disposition of administrative claims presented to the United States Marshals Service under the Federal Tort Claims Act (FTCA). All such claims are forwarded to the Office of General Counsel for disposition.

3. As a routine business practice, this office maintains a record of each such claim. The claims are indexed by claimant.
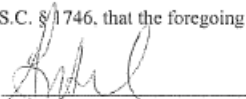
4. The United States Marshals Service, Office of Inspection, maintains a separate record of complaints received by it.

5. On September 24. 2012, my office (the Office of General Counsel) learned that the Office of Inspection had received two complaints from plaintiff Peter Lindner. The first led to a case (#10-0519) being opened on September 30, 2010. This case was closed on October 20, 2010. The second led to a case (#11-0056-I) being opened and closed on November 3, 2010.

6. On October 4, 2012, my office obtained a copy of the complaints that led to the case openings referenced above in paragraph 5. These complaints were forwarded to my office by the Office of Inspection. Neither of these complaints was treated by the United States Marshals Service as an FTCA claim. Indeed, prior to October 4, 2012, neither of the complaints had been forwarded to the Office of General Counsel. Accordingly, neither of the complaints was entered into the United States Marshals Service's FTCA claims database. A true and correct copy of the complaint for case 10-0519 (as received by my office from the Office of Inspection) is attached hereto as Exhibit A, and a true and correct copy of the complaint for case 11-0056-I (as received by my office from the Office of Inspection) is attached hereto as Exhibit B.

I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Gerald M. Auerbach
General Counsel
United States Marshals Service
Arlington, Virginia 22202
(202) 307-9054

Executed on: ___10 / 12___, 2012